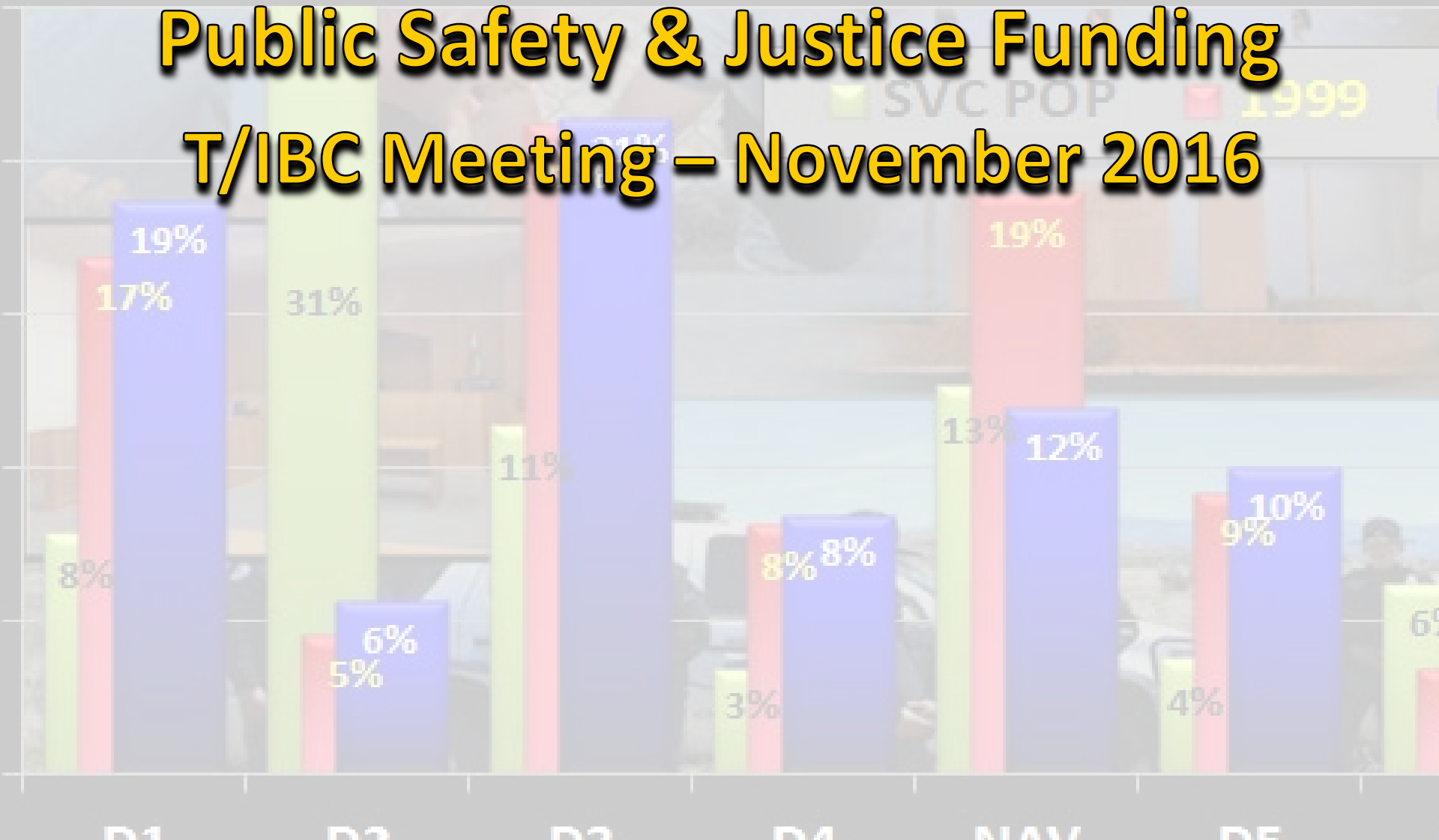




Public Safety & Justice Funding T/IBC Meeting – November 2016





Bureau of Indian Affairs - Office of Justice Services

Presentation Path

ACTIVITIES	2016
Subactivities	Enacted
PUBLIC SAFETY AND JUSTICE	
Law Enforcement	347,976
1 Criminal Investigations and Police Services	197,504
Detention/Corrections	95,305
3 Inspections/Internal Affairs	3,462
Law Enforcement Special Initiatives	10,305
Indian Police Academy	4,853
Tribal Justice Support	17,245
Law Enforcement Program Management	6,161
Facilities Operations & Maintenance	13,141
Tribal Courts (TPA)	28,173
Fire Protection (TPA)	1,274
PS&J Budget - Program Operation	377,423

OJS Funding Increase Methodology

1

2

3

The first two programs (CI&P and Detention) utilize the OJS funding increase methodology so those topics are presented first.

The remaining PS&J programs are then presented.

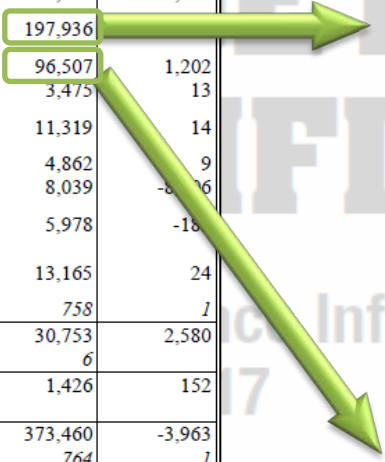
INDIAN AFFAIRS



Bureau of Indian Affairs - Office of Justice Services

OJS Budget/Funding Information

Public Safety and Justice (Dollars in thousands)							
Subactivity Program Element	2015 Enacted	2016 Enacted	FY 2017				Changes from 2016
			Internal Transfers	Fixed Costs	Program Changes	Budget Request	
Law Enforcement	328,296	347,976	-200	716	-7,211	341,281	-6,695
Criminal Investigations and Police Services	192,824	197,504		432		197,936	
Detention/Corrections	94,483	95,305		202	1,000	96,507	1,202
Inspections/Internal Affairs	3,433	3,462		13		3,475	13
Law Enforcement Special Initiatives	8,255	11,305		14		11,319	14
Indian Police Academy	4,716	4,853		9		4,862	9
Tribal Justice Support	5,237	16,245		5	-8,211	8,039	-8,206
Law Enforcement Program Management	6,250	6,161	-200	17		5,978	-18
Facilities Operations & Maintenance	13,098	13,141		24		13,165	24
FTE	755	757			1	758	1
Tribal Courts (TPA)	23,280	28,173	-46	26	2,600	30,753	2,580
FTE	6	6				6	
Fire Protection (TPA)	1,274	1,274	150	2		1,426	152
FTE							
Total Requirements	352,850	377,423	-96	744	-4,611	373,460	-3,963
FTE	761	763			1	764	1



Base Public Safety and Justice Funding				
Bureau Location / Tribe	Program Operation	LE Offices	State	FY 2016 Est. Base Funding
<i>Criminal Investigations & Police Services:</i>				
D2 - Prairie Band Of Potawatomi Of Kansas	Tribe	29	KS	265,096
D2 - Sac & Fox Tribe Of Missouri In Kansas & Nebraska	Tribe	30	KS	221,179
D2 - Seminole Nation Of Oklahoma	Tribe	31	OK	509,345
D2 - Tonkawa Tribe Of Oklahoma	Tribe	32	OK	252,835
D3 - District 3 LE Office - OJS	Bureau		AZ	1,154,720
D3 - Colorado River Agency OJS	Bureau	33	AZ	232,202
D3 - Eastern Nevada Agency OJS	Bureau	34	NV	1,184,353
D3 - Ft. Apache Agency OJS	Bureau	35	AZ	742,489
D3 - Hopi Agency OJS	Bureau	36	AZ	2,008,264
D3 - San Carlos Agency OJS	Bureau	37	AZ	497,963
D3 - Southern Paiute Agency OJS	Bureau	38	AZ	229,649
D3 - Truxton Canon Agency OJS	Bureau	39	AZ	1,521,000
D3 - Uintah & Ouray Agency OJS	Bureau	40	UT	1,380,316
D3 - Western Nevada Agency OJS	Bureau	41	NV	957,335
D3 - Cocopah Indian Tribe	Tribe	42	AZ	421,747
D3 - Colorado River Indian Tribes	Tribe	43	AZ	899,644
D3 - Confederated Tribe Goshute Reservation	Tribe	44	NV	229,544
D3 - Fallon Paiute-Shoshone Tribes	Tribe	45	NV	382,190
D3 - Fort McDowell Mohave-Apache Indian Community	Tribe	46	AZ	761,238
D3 - Fort Mojave Indian Tribe	Tribe	47	AZ	692,370
D3 - Hualapai Tribe	Tribe	48	AZ	1,108,643

Base Public Safety and Justice Funding				
Bureau Location / Tribe	Program Operation	Offices	State	FY 2016 Est. Base Funding
<i>Detention / Corrections:</i>				
HQ - Deputy Associate Director, Corrections	Bureau		National	1,896,351
HQ - Pending New Facility Increases to Tribes	Tribe		National	2,129,378
HQ - DAD, Corrections - Contract Beds	Bureau		National	7,772,175
D1 - District 1 Corrections - OJS	Bureau		SD	384,128
D1 - Ft. Totten Detention	Bureau		ND	912,227
D1 - Lower Brule Detention	Bureau		SD	2,381,505
D1 - Standing Rock Detention	Bureau		ND	2,496,460
D1 - Turtle Mountain Detention	Bureau		ND	874,943
D1 - Winnebago Detention	Bureau		NE	308,411
D1 - Yankton Detention	Bureau		SD	2,854,246
D1 - Cheyenne River Sioux Tribe	Tribe		SD	1,307,005
D1 - Oglala Sioux Tribe Of Pine Ridge	Tribe		SD	6,225,168
D1 - Omaha Tribe Of Nebraska	Tribe		NE	645,571
D1 - Rosebud Sioux Tribe	Tribe		SD	3,523,206
D1 - Sisseton Wahpeton Sioux Tribe	Tribe		SD	209,808
D1 - Three Affiliated Tribes Of Ft Berthold	Tribe		ND	2,710,655
D2 - District 2 Corrections - OJS	Bureau		OK	150,896
D3 - District 3 Corrections - OJS	Bureau		AZ	513,669
D3 - Eastern Nevada Detention	Bureau		NV	1,440,998
D3 - Hopi Detention	Bureau		AZ	1,969,827
D3 - Uintah & Ouray Detention	Bureau		UT	221,417
D3 - Colorado River Indian Tribes	Tribe		AZ	1,480,004

Annual President's Budget Request (Greenbook) contains Appendix 1 that breaks out base funding allocations by location.





Bureau of Indian Affairs - Office of Justice Services

Criminal Investigations & Police Services (CI&P)

FY 2016 Enacted: \$197,504,000

Funds (nationwide) BIA and tribal criminal investigators, uniform police, drug agents, school resource officers, dispatch operators, intelligence analysts, and administrative support staff

-Managed at District level by Special Agent-In-Charge

-Local level managed by OJS or tribal Chief of Police

-Generally, OJS provides no services in P.L. 280 jurisdictions

190 total law enforcement offices funded, includes:

33 operated by OJS

157 operated by Tribes



Bureau of Indian Affairs - Office of Justice Services

Detention / Corrections

FY 2016 Enacted: \$95,305,000

Funds (nationwide) BIA and tribal correctional officers, transport officers, cooks, administrative support staff, and county-contracted bed space

-Managed at District level by Special Agent-In-Charge

-Local level managed by OJS or tribal Chief of Police

-Generally, OJS provides no services in P.L. 280 jurisdictions

96 total corrections programs, includes:

25 operated by OJS

71 operated by Tribes



Bureau of Indian Affairs - Office of Justice Services

CI&P and Detention/Corrections

- Two largest and most heavily contracted/compacted PS&J programs
- Both programs allocate additional appropriations via the **OJS Funding Increase Methodology**

Community
Safety

• **What is it?**

• **When is it used?**

• **Why is it used?**

Tribal Court

Law
Enforcement

Detention/
Corrections



Bureau of Indian Affairs - Office of Justice Services

OJS Funding Increase Methodology

What is it?

Described in FY 2017 IA President's Budget Request beginning on page IA-PSJ-4.



Criminal Investigations & Police Services

- Violent crime rate
- Staffing levels/shortages by parity ratios
- Service population
- Size/land base to be serviced
- Calls for service
- Prevalence of drug/gang activity
- Status as High Priority Goal location

Detention / Corrections

- Annual inmate intake
- Staffing levels/shortages by parity ratios
- Violent crime rate
- Service population
- Size/land base to be serviced (transport)
- Consideration of new facilities
- Status as High Priority Goal location

The OJS funding increase methodology combines programmatic expertise with data-driven analysis to get more resources to reservations with higher violent crime rates and larger service populations, which tend to indicate the severity of public safety needs.



Bureau of Indian Affairs - Office of Justice Services

OJS Funding Increase Methodology

What is it?

Example below used to distribute FY 2014 Detention/Corrections increase for new tribal facilities.

2013 Violent Crime Rate (5%)	% for Distribution	Land Base in Acres (5%)	% for Distribution	Resident Population (5%)	% for Distribution	Staff Need (40%)	% for Distribution	Annual Intake (45%)	% for Distribution	TIER 1		TIER 2	
										Weighted Avg % for Distribution	FY 2014 BASE INCREASE	FY 2014 BASE INCREASE	TOTALS
5%		5%		5%		40%		45%					
158	8%	1,774,716	8%	43,146	10%	57	28%	15,670	63%	40.81%	1,928,332	846,793	2,775,125
430	21%	2,500,000	12%	10,000	2%	44	21%	3,249	13%	16.19%	764,827	653,664	1,418,491
942	46%	772	0%	4,140	1%	24	12%	189	1%	7.36%	347,654	356,544	704,198
189	9%	17,280,000	80%	299,560	71%	30	15%	3,700	15%	20.55%	971,084	445,680	1,416,764
133	7%	99,353	0%	3,000	1%	25	12%	516	2%	6.18%	291,813	371,400	663,213
192	9%	56,000	0%	58,849	14%	24	12%	1,468	6%	8.51%	402,025	356,544	758,570
0	0%	2,000	0%	814	0%	2	1%	10	0%	0.42%	19,689	29,712	49,401
										0.00%	-	-	
2,044	100%	21,712,841	100%	419,509	100%	206	100%	24,802	100%	100.00%	\$ 4,725,424	\$ 3,060,338	\$ 7,785,762



Bureau of Indian Affairs - Office of Justice Services

OJS Funding Increase Methodology

When is it used?

Used when **increased appropriations** in Criminal Investigations & Police Services or Detention/Corrections are received from the Congress.

Used when calculating **one-time distributions** for Criminal Investigations & Police Services or Detention/Corrections programs.

Not used to distribute **existing base funding** – that follows a historical distribution pattern like most other BIA programs.



Bureau of Indian Affairs - Office of Justice Services

OJS Funding Increase Methodology

Why is it used?

Method developed to distribute appropriated PS&J budget increases to **areas of greatest need**

**Consolidated Appropriations Act, 2008
(H.R. 2764; Public Law 110-161)**

DIVISION F—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2008

officers. Substantial increases are included for Tribal law enforcement and the Secretary is directed to allocate these additional funds outside the normal allocation methods to reach the areas with the greatest need, particularly remote reservations.

Estimates

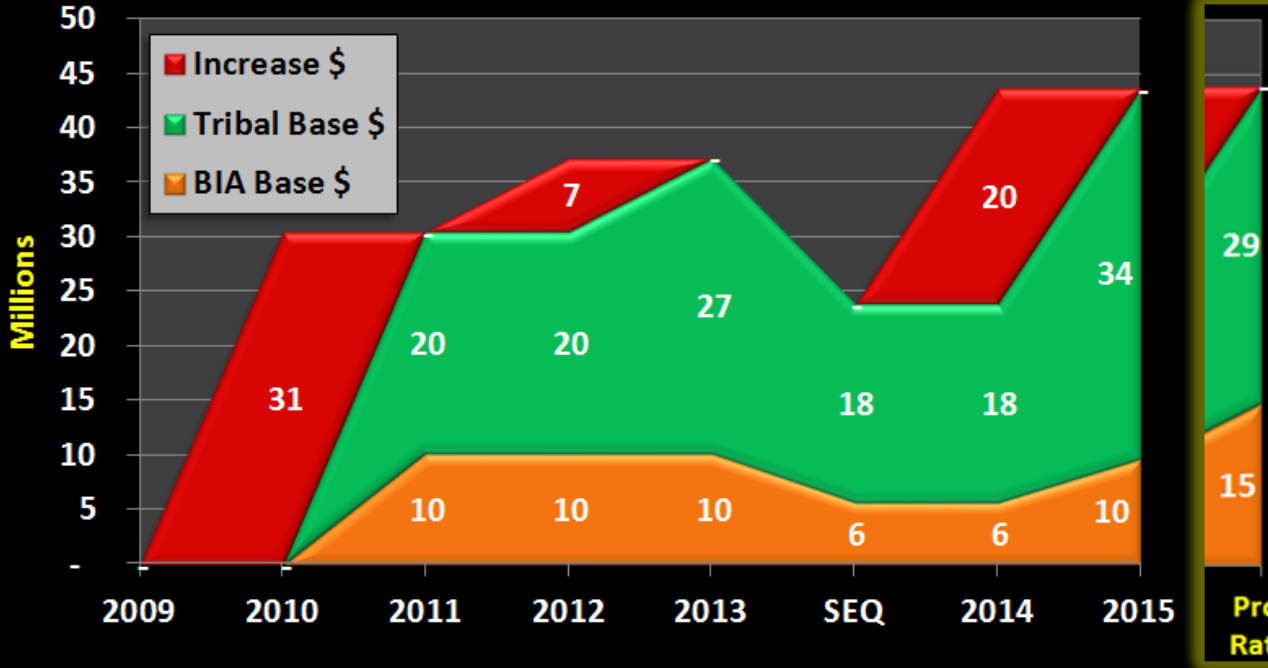


Bureau of Indian Affairs - Office of Justice Services

Recent Actual Appropriated Increases

FY	INCR / DECR	DISTRIBUTION
2015	No Increases	
2014	CI&P +\$5.5 M	Pro-rata (66% of \$ went to tribal programs)
	Detention +\$14.3 M	\$12.9 M (85% of \$ went to tribal programs)
2013	Sequester -5% All	
2012	Detention +\$6.8 M	All \$6.8 went to tribal programs
2011	No Increases	
2010	CI&P +\$20.5 M	\$12.7 M (62% went to tribal programs)
	Detention +\$10.0 M	\$7.7 M (77% went to tribal programs)

Cumulative Increases Since 2010 (CI&P and Detention)

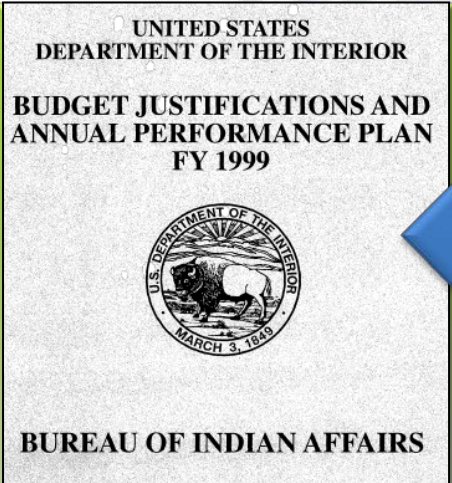


End result IF Pro-rata was used instead of OJS methodology

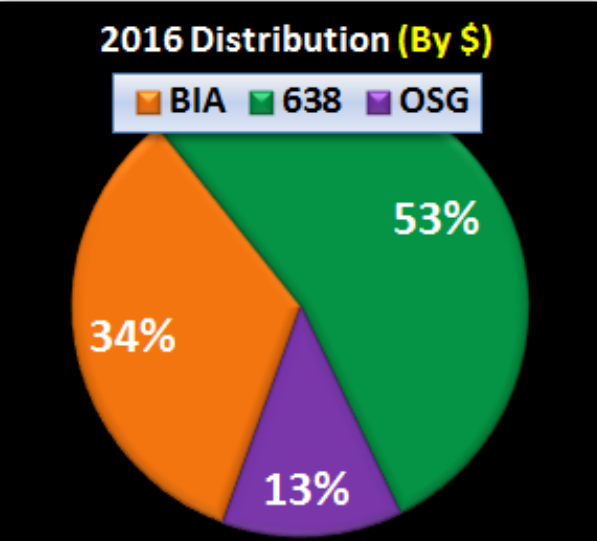
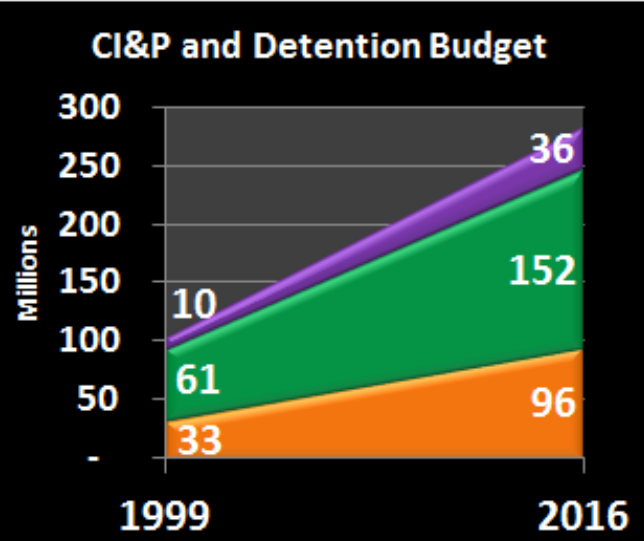
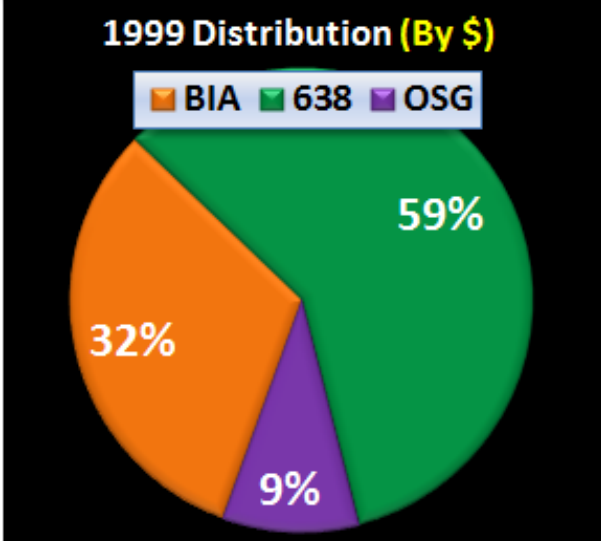
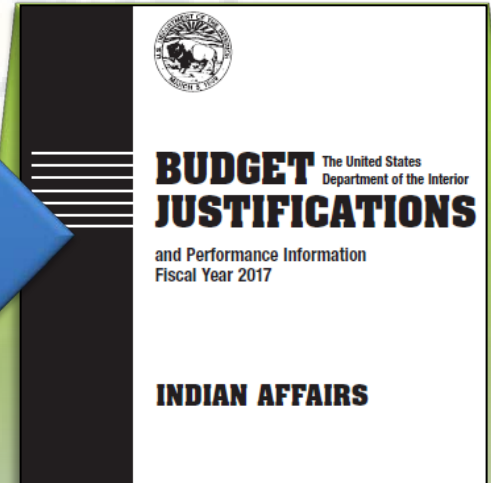


Bureau of Indian Affairs - Office of Justice Services

OJS Funding Increase Methodology



How has the OJS methodology affected PS&J base funding over time?



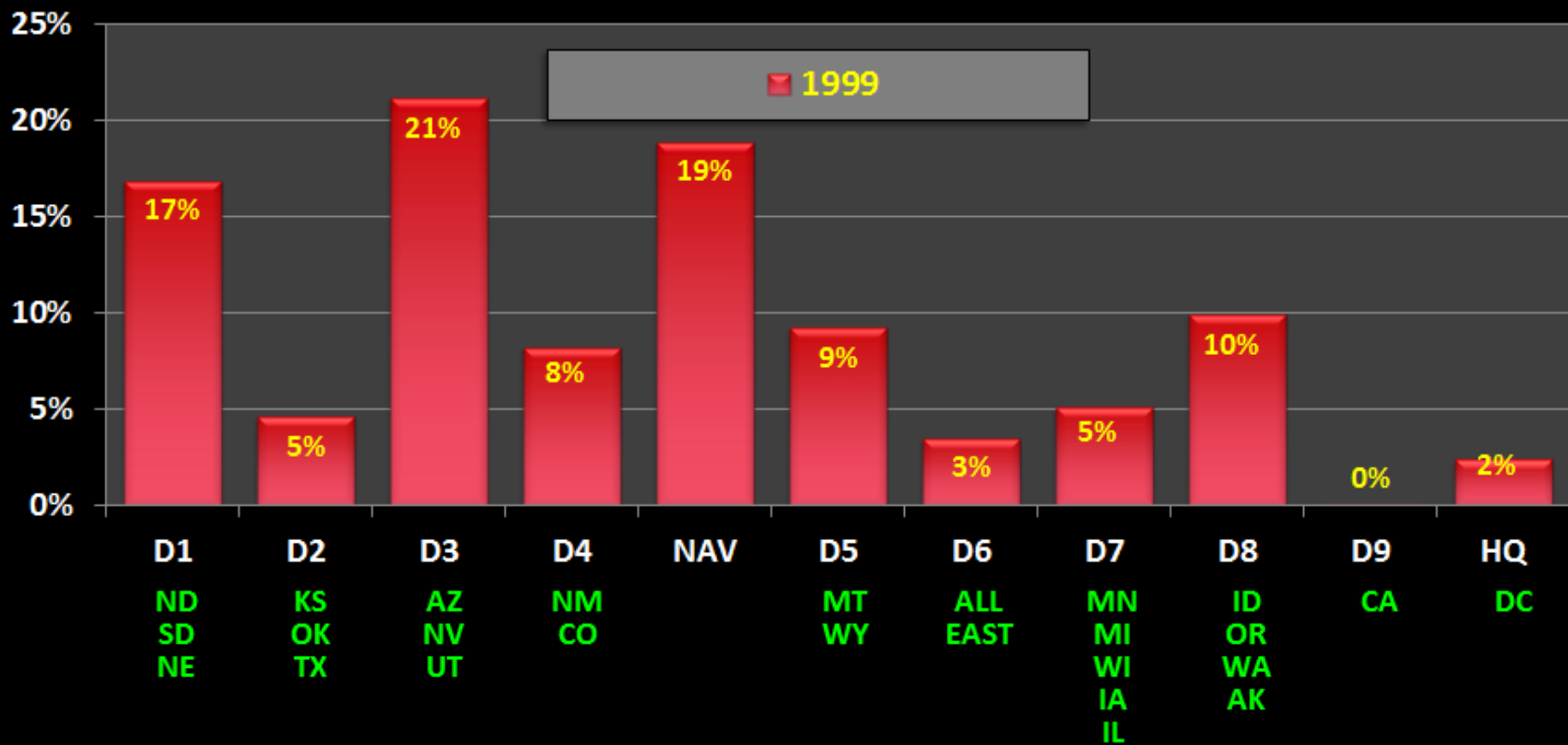


Bureau of Indian Affairs - Office of Justice Services

OJS Funding Increase Methodology

Geographic allocation of base funding the year Law Enforcement was removed from TPA (1999)

Allocation of Funds by District (CI&P and Detention)



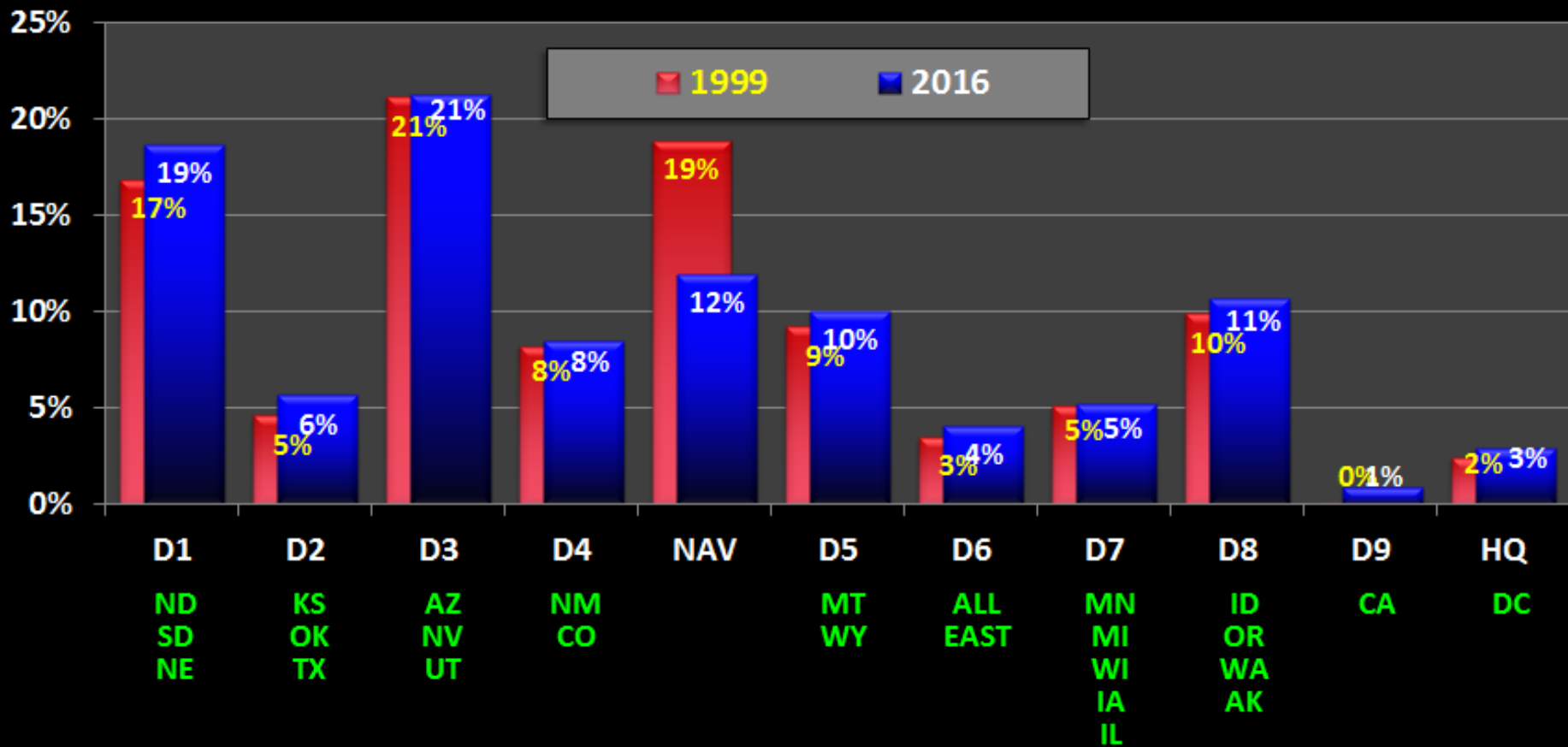


Bureau of Indian Affairs - Office of Justice Services

OJS Funding Increase Methodology

Overlay geographic allocation of base funding for 2016

Allocation of Funds by District (CI&P and Detention)



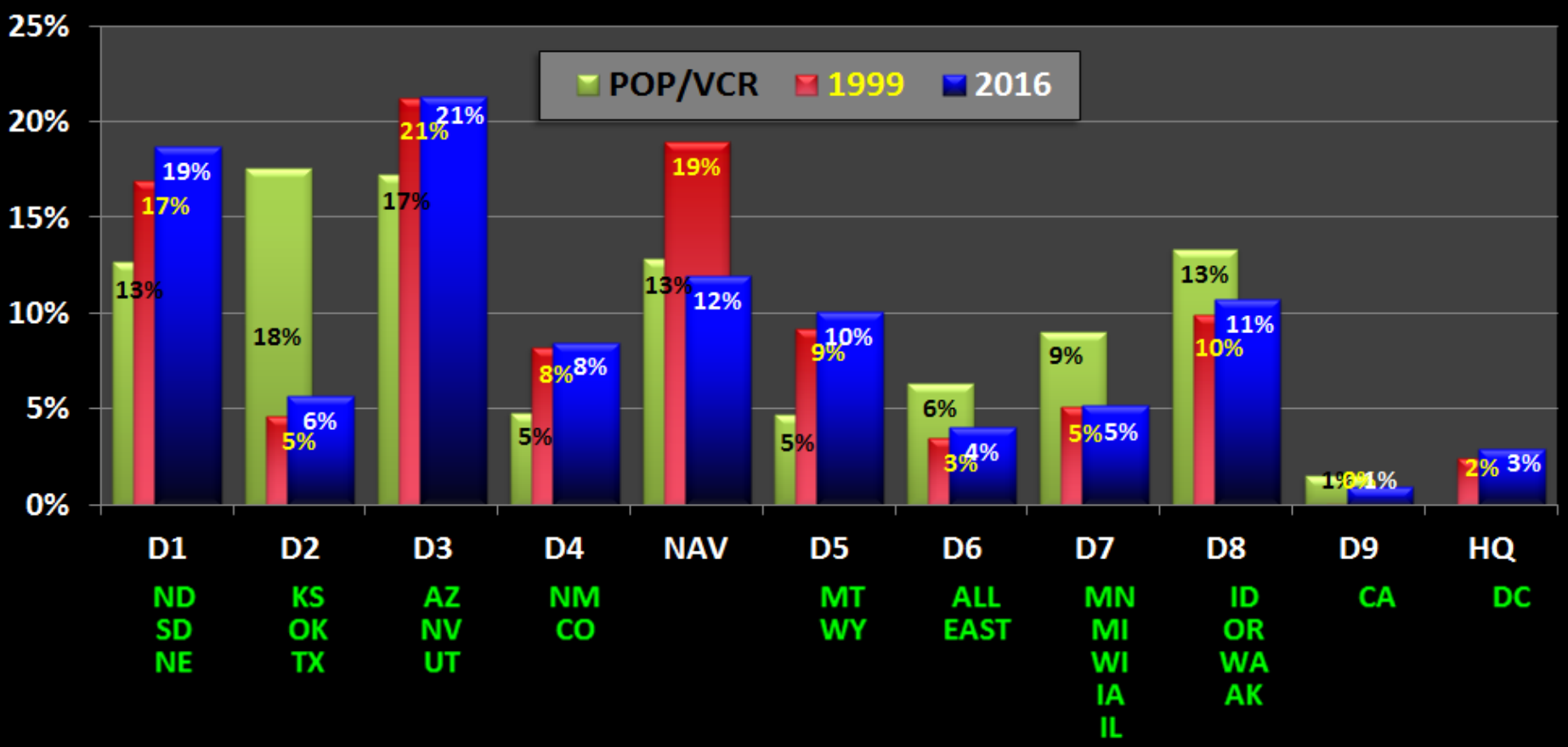


Bureau of Indian Affairs - Office of Justice Services

OJS Funding Increase Methodology

Insert average of Indian service populations and reported violent crimes

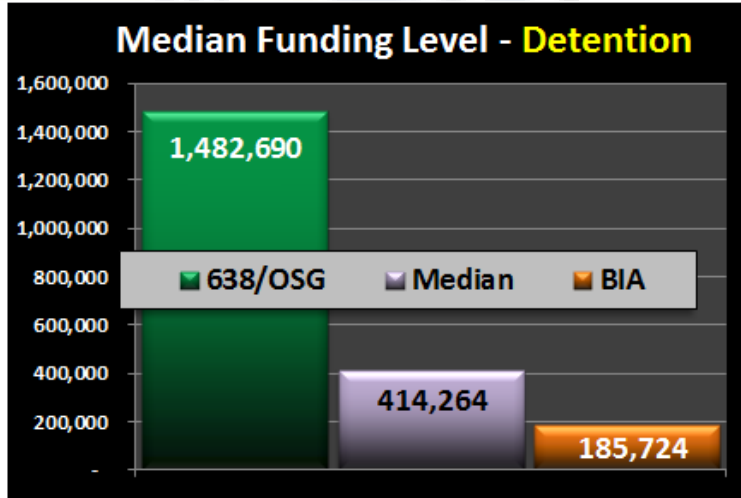
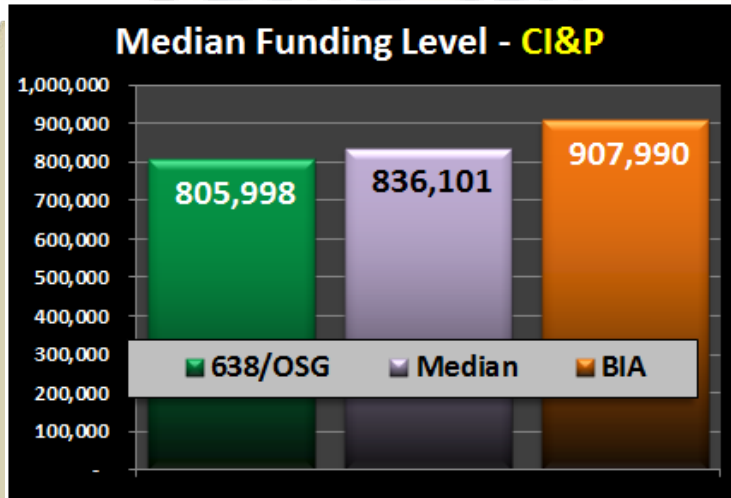
Allocation of Funds by District (CI&P and Detention)





Bureau of Indian Affairs - Office of Justice Services

Median Funding Level – BIA vs. Tribal Programs

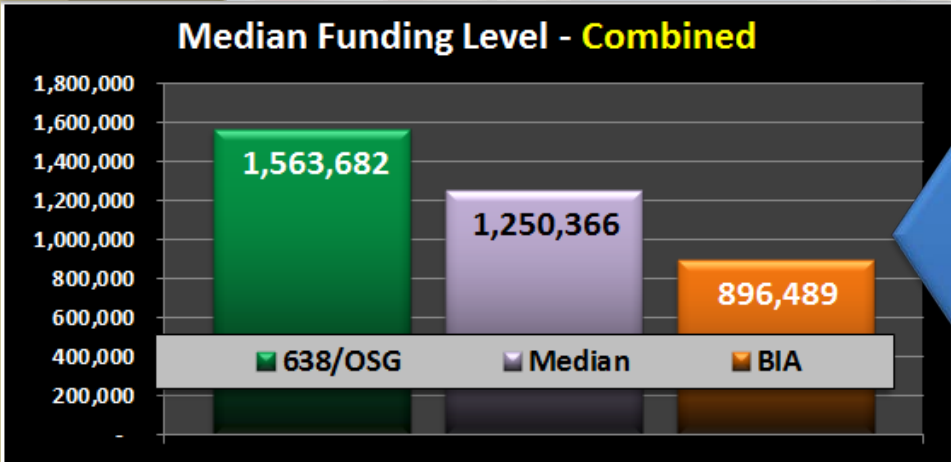


2016 Base Funding (\$ Per Tribe Served)

Law Enforcement			
Operator	Tribes	Total Funding	Average Level
638/OSG	160	128,959,668	805,998
BIA	67	60,835,332	907,990
Median	227	189,795,000	836,101

Detention/Corrections			
Operator	Tribes	Total Funding	Average Level
638/OSG	40	59,307,611	1,482,690
BIA	187	34,730,389	185,724
Median	227	94,038,000	414,264

Weighted Average			
Operator	Tribes	Total Funding	Average Level
638/OSG	120	188,267,279	1,563,682
BIA	107	95,565,721	896,489
Median	227	283,833,000	1,250,366



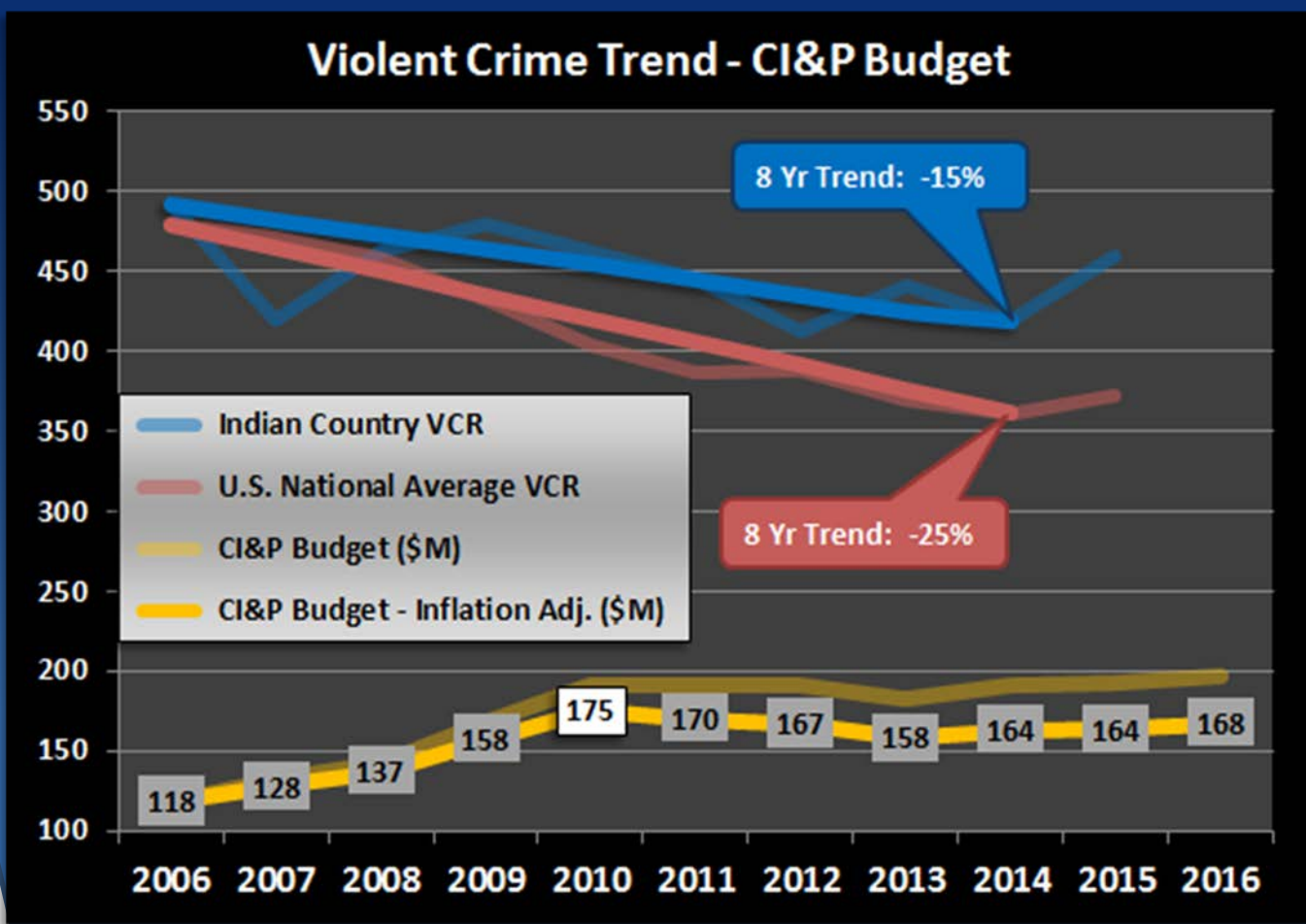
OJS methodology has not favored direct service programs over time



Bureau of Indian Affairs - Office of Justice Services

OJS Funding Increase Methodology

Allocated appropriation increases to accomplish mission.



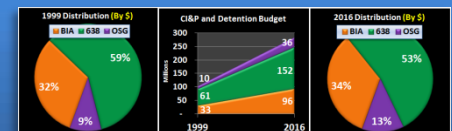


Bureau of Indian Affairs - Office of Justice Services

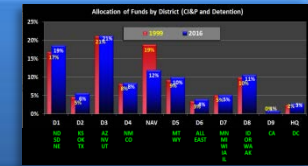
OJS Funding Increase Methodology

Summary - Over time the OJS methodology has:

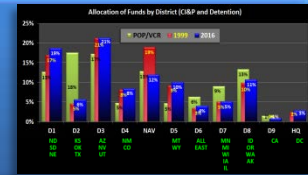
Not substantially changed the proportion of base funding **by program operator**.



Not substantially changed the proportion of base funding **by district/region**.



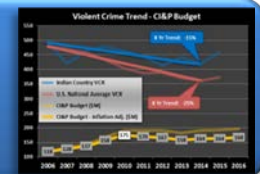
Aligned base funding increases consistent with **populations and violent crime rates**.



Not **avored BIA direct service** programs.



Allocated appropriation increases to help **accomplish mission**.





Bureau of Indian Affairs - Office of Justice Services

Inspections & Internal Affairs

FY 2016 Enacted: \$3,462,000

Provides policy development and implementation to 188 BIA and tribal law enforcement programs and 95 detention programs.

Also conducts internal affairs investigations, investigations of officer involved shootings, and in-custody deaths that occur in Indian Country.

1869



Bureau of Indian Affairs - Office of Justice Services

Law Enforcement Special Initiatives

FY 2016 Enacted: \$10,305,000

\$1.5 M - Nationwide victim and witness services program. Comprised of 12 regionally located bureau victim assistance personnel.

\$2.1 M - Incident Management Analysis and Reporting System (IMARS) supports critical law enforcement, emergency management, and security needs by promoting intelligence communication among Federal law enforcement agencies.

\$3.7 M - Nationwide land mobile radio communication, infrastructure, and equipment (program covers all of IA).

\$3.0 M - Recidivism Reduction Initiative (APG) targeted at 5 locations to address underlying causes of repeat offenses, including substance abuse and social service needs.



Bureau of Indian Affairs - Office of Justice Services

Indian Police Academy

FY 2016 Enacted: \$4,853,000

Provides (for BIA and tribes) basic police, criminal investigation, telecommunications, and detention training programs

IPA also offers advanced training in:

- Child abuse investigations
- Domestic violence investigations
- Sex crime investigations
- Field training officer certification
- Management/leadership, peer support/critical incident debriefing
- Community policing, and drug investigations
- Use of force, crime scene processing
- Interview and interrogation techniques, criminal jurisdiction in Indian Country

Any tribal public safety employee can receive training at IPA free of charge



Bureau of Indian Affairs - Office of Justice Services

Tribal Justice Support

FY 2016 Enacted: \$17,245,000

\$5.2 M - Schedule and coordinate (nationwide) independent tribal court assessments. Also to schedule and coordinate training and technical assistance to tribes and tribal organizations and study and conduct research on tribal justice systems.

\$2.0 M – Provide funds to tribes for training and/or implementation of provisions under the VAWA Reauthorization Act of 2013.

\$10.0 M – Work with Indian Tribes and tribal organizations to assess needs, consider options, and design, develop, and pilot tribal court systems for tribal communities including those communities subject to full or partial State jurisdiction under Public Law 83-280.



Bureau of Indian Affairs - Office of Justice Services

Law Enforcement Program Management

FY 2016 Enacted: \$6,161,000

Nationwide coordination of OJS activities in the following areas:

- Human resources and recruitment**
- Management internal controls**
- Information Technology**
- Land Mobile Radio**
- Program performance and GPRA**
- Acquisition, budget, and financial management**



Bureau of Indian Affairs - Office of Justice Services

Facilities Operations & Maintenance

FY 2016 Enacted: \$13,141,000

Square footage-driven distribution to tribal and BIA facilities by the Division of Facilities Management & Construction (DFMC)

With limited funding, detention facilities generally take priority due to the inherent risk/liability of **24 hour confinement facilities**

Funds virtually all utilities, grounds and minor facility maintenance, and non-staff operational costs



Bureau of Indian Affairs - Office of Justice Services

Tribal Courts (TPA)

FY 2016 Enacted: \$28,173,000

Of the **330+ tribal courts** and 7 Courts of Federal Regulation otherwise known as the Court of Indian Offenses (or CFR Courts), about **185 courts currently receive funds** directly through this program under P.L. 93-638 contracts and self-governance compacts. OJS determines the distribution of only \$1.2 million of this funding annually.

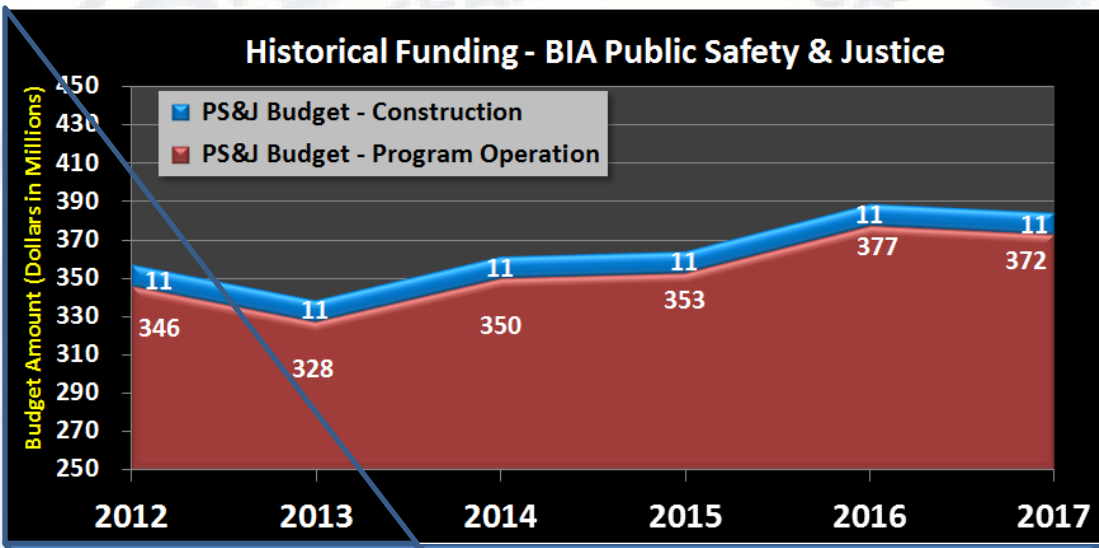
Tribes utilize this funding for salaries and related administrative costs for judges, prosecutors, public defenders, court clerks, court administrators, pre-trial and probation officers, juvenile officers, victim witness specialist, and other court support staff central to the operation of tribal justice systems.

Tiwahe Initiative (\$5.0 million) to ensure that the judicial branch of targeted tribal public safety systems can function effectively to meet family and community needs under the Initiative.



Bureau of Indian Affairs - Office of Justice Services

Recent PS&J Funding Levels



ACTIVITIES	2012	2013	2014	2015	2016	2017
Subactivities	Enacted	Enacted	Enacted	Enacted	Enacted	Pres Bud
Program Elements	Enacted	Enacted	Enacted	Enacted	Enacted	Enacted
PUBLIC SAFETY AND JUSTICE						
Law Enforcement	321,944	303,351	325,696	328,296	347,976	340,281
Criminal Investigations and Police Services	185,019	177,479	191,145	192,824	197,504	197,936
Detention/Corrections	81,810	77,895	94,038	94,483	95,305	96,507
Inspections/Internal Affairs	3,100	2,783	3,415	3,433	3,462	3,475
Law Enforcement Special Initiatives	17,400	13,983	7,211	8,255	10,305	10,319
Indian Police Academy	5,073	4,693	4,704	4,716	4,853	4,862
Tribal Justice Support	5,641	5,228	5,232	5,237	17,245	8,039
Law Enforcement Program Management	10,145	8,241	6,882	6,250	6,161	5,978
Facilities Operations & Maintenance	13,757	13,049	13,069	13,098	13,141	13,165
Tribal Courts (TPA)	23,407	23,404	23,241	23,280	28,173	30,753
Fire Protection (TPA)	872	837	1,077	1,274	1,274	1,426
PS&J Budget - Program Operation	346,223	327,592	350,014	352,850	377,423	372,460
FTE	759	751	755	761	763	764
PS&J Budget - Construction	11,311	11,283	11,306	11,306	11,306	11,306



Bureau of Indian Affairs - Office of Justice Services

Available on the OJS website:

<http://www.bia.gov/WhoWeAre/BIA/OJS/index.htm>

Contact Us FAQs Site Map

Office of Justice Services Bureau of Indian Affairs



OJS HOME WHO WE ARE WHAT WE DO CAREERS TRAINING FALLEN OFFICER CONTACT US IA HOME

**BUREAU OF INDIAN AFFAIRS
OFFICE OF JUSTICE SERVICES
TRIBAL JUSTICE SUPPORT DIRECTORATE**

To further the development, operation, and enhancement of Tribal judicial systems, in an effort to ensure that justice in Tribal forums is administered fairly and with the utmost integrity, the Tribal Justice Support (TJS) Directorate is statutorily mandated to conduct Tribal court assessments (25 U.S.C. 3632). The Tribal court assessment is intended to assist in defining specific technical assistance and training needs of Tribal courts.

Thus, the statutory directive and purpose of TJS is to further the development, operation, and enhancement of Tribal judicial systems and Courts of Indian Offenses through a strategic action plan developed under the court assessment process.

TJS promotes cooperation and application of high legal standards among Tribal judicial systems.

TJS provides hands-on training and technical assistance in many legal areas including criminal prosecution, foster care, the Indian Child Welfare Act, and juvenile justice.

Tribal Court Assessment

The Tribal court assessment is intended to evaluate tribal needs and provide tribes with recommendations for improving their operational activities, if needed. The Tribal court assessment process follows the Tribal Court Performance Standards (TCPS), which have been modified to meet the specific needs of tribal courts. The TCPS incorporates a new philosophy and framework for defining and understanding the effectiveness of tribal courts by focusing attention on performance, self-assessment, and self-improvement.

The Tribal court assessment highlights the specific needs of each tribal court. The Tribal Justice Support (TJS) Directorate can then provide specific training and technical assistance based on the needs articulated within the Tribal court assessment.

Why a Court Assessment?

The assessment is a guided Tribal court assessment focused on key court functions. It is:

- Collaborative
- Driven by a Tribe's stated needs, and
- An overview of the entire court.

Contact Us

Bureau of Indian Affairs • Office of Justice Services • Tribal Justice Support Directorate • Mailstop: 2603 MIB • Washington, DC 20240

Court Assessment Director • Phone: (505) 563-3419
BIA_Tribal_Courts@bia.gov

Court Assessment Flyer

**Bureau of Indian Affairs
Office of Justice Services**

**Report to the Congress
on
Spending, Staffing, and Estimated Funding Costs for Public
Safety and Justice Programs in Indian Country**

August 16, 2016

TLOA PS&J Spending Report

**Bureau of Indian Affairs – Office of Justice Services
FY 2016 Additional Tribal Justice Support Funding Plan**

The Department of Interior (DOI), after consultation with tribes, has finalized a plan to distribute the FY 2016 Budget appropriation increase of \$10.0 million for tribal justice support. The December 17, 2016 Congressional Record at H10218 identified the parameters for a new funding source and states the Department of the Interior will receive through appropriation:

"10 Million dollars to work with Indian Tribes and tribal organizations to assess needs, consider options, and design, develop, and pilot tribal court systems for tribal communities including those communities subject to full or partial State jurisdiction under Public Law 83-280."

In January 2016, DOI formulated a draft plan to distribute the funding. The draft plan was influenced by visits made by the Bureau of Indian Affairs, Office of Justice Services, Tribal Justice Support (OJS/TJS) personnel to Alaska, which included discussions with Alaska coroners, Alaska Legal Services, and justice personnel located in several Alaska villages, as well as other organizations involved in the creation and sustainability of Alaska tribal courts. On March 15, 2016, DOI announced that consultations on the overall plan was forthcoming. A tribal leader letter was distributed advising that telephonic consultations would take place on April 19, 2016 and April 26, 2016. In April, OJS/TJS personnel traveled to California to work specifically with those tribal courts subject to the mandatory Public Law 83-280 (P.L. 280) jurisdiction and held the first telephonic consultation.

After the consultations were completed, written comments were due by April 29, 2016. However, as of May 30, 2016 OJS/TJS was still receiving written comments and decided to delay any change to the draft plan until all parties had ample opportunity to respond. As a result of the consultations and comments, the final overall plan includes specific funding for Alaska, California, and other mandatory P.L. 280 jurisdictions, as well as others. The plan also incorporates a similar strategy (basic needs assessment, strategic planning assistance, and funding distribution process) used by OJS/TJS for all tribal justice systems. Once the consultations were completed and all comments received, OJS/TJS incorporated changes to the original draft plan based on the input received from tribes.

At first glance, it is clear the plan favors tribes in Alaska and California in terms of resource allocation. This resulted because these two states contain 338 (60%) of the 567 federally recognized tribes. Accordingly, despite their smaller average populations compared to other states, each tribal government still represents a sovereign entity that needs a court in order to function and serve its community effectively.

\$10 Million TJS Funding Plan



Bureau of Indian Affairs - Office of Justice Services



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